



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 2
PART II—Section 2

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 60] नई दिल्ली, शुक्रवार, नवम्बर 27, 1992/अग्रहायण 6, 1914
No. 60] NEW DELHI, FRIDAY, NOVEMBER 27, 1992/Agrahayana 6, 1914

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 27th November, 1992:—

1

BILL No. LI OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1992.

Short
title and
commence-
ment.

(2) It shall come into force with immediate effect.

2. In the Seventh Schedule to the Constitution,—

Amend-
ment of
Seventh
Schedule.

(i) in List I—Union List, after entry 61 the following entry shall be inserted, namely:—

“61A. Education, including technical and vocational education, medical education and Universities.”;

(ii) in List III—Concurrent List entry 25 shall be omitted.

STATEMENT OF OBJECTS AND REASONS

The education policy recently announced by the Government in Parliament is a clear indication of the priority accorded to education in the 8th Plan, with a view not only to eradicate illiteracy, but utilising the instrument of education on war footing for the purpose of eradicating poverty in our country. But this national objective of the National Education Policy cannot be achieved without vesting a full authority in the Union Government in respect of education sector. Though "education" is in the Concurrent List of the Seventh Schedule to the Constitution, in practice, every State Government has its own policy and State Legislation on education and the Union Government hardly ever utilises its overriding legislative powers. The Union Government as yet has no effective way of taking remedial action to correct mistakes by State administrations. This very reasons is responsible for the degree of illiteracy prevailing in the States of Madhya Pradesh, Bihar, Uttar Pradesh, Orissa, Rajasthan etc.

It is, therefore, necessary for the total success of the National Education Policy that Education be brought into the Union List to give overall power and responsibility to the Union Government in this regard.

Hence this Bill.

SURESH PACHOURI

II

BILL NO. L OF 1992

A Bill to provide for the reservation of posts in the services of the Union Government and Public Undertakings and seats in all classes of educational institutions for the people belonging to economically backward areas in the country with a view to improving their living standard and extending them the benefits of progress made by the country after independence.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Reservation of Posts in Services and Seats in Educational Institutions For People Belonging to Economically Backward Areas Act, 1992.

Short
title
and com-
mence-
ment.

(2) It shall come into force at once.

2. In this Act unless the context otherwise requires,—

Defini-
tions.

(a) “economically backward area” means such area which has been declared backward by the Planning Commission of the Union Government;

(b) “family” includes husband, wife, their dependent children and parents.

(c) "people" means all inhabitants of an economically backward area.

Reserva-
tion of
posts in
Govern-
ment ser-
vices.

3. The Central Government shall reserve thirty percent of posts in Central Government services and public undertakings for the candidates belonging to economically backward areas

Reserva-
tion of
seats in
educa-
tional
and train-
ing insti-
tutions.

4. Thirty percent of seats shall be reserved in all classes of educational and training institutions for the candidates belonging to economically backward areas and the entire expenditure on the education and training of such people shall be borne by the Central Government after due appropriation made by Parliament in this behalf from time to time;

Benefits
under the
Act to
be given
only
once.

5. The benefits specified under this Act shall be provided only once to a family belonging to such backward area.

Power
to make
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

After Independence, though there has been a lot of industrial, economic and educational development in the country, some areas like the tribal areas of Madhya Pradesh and drought prone Chattisgarh region in the State, Kalahandi in Orissa, deserts of Rajasthan and Gujarat, the tribal belt of Bihar and hilly regions of Uttar Pradesh, Himachal Pradesh, Jammu and Kashmir remain deprived of the benefits of this development. People living in such economically backward areas of the country continue to suffer from abject poverty. Some of these areas have already been declared as backward areas by the Planning Commission and by some State Governments as well.

In such areas there are very few industries and little economic activity. As a result people of these areas find it very difficult to earn their livelihood. Due to their abject poverty they do not get even two meals a day, leave alone education and other needs of life. As such they remain illiterate and are greatly exploited throughout their lives. To improve their lot it is necessary that posts are reserved in the services of the Central Government and public undertakings and in all types of educational institutions for the people belonging to economically backward areas of the country. It will not only improve the economic conditions of such backward areas but will also help in their educational advancement. It will be a good beginning for the welfare of economically backward areas in the country.

Hence this Bill.

SURESH PACHOURI

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall bear the entire expenditure on the education and training of people belonging to the economically backward areas of the country. The Bill, if enacted and brought into operation, will involve a recurring expenditure of about rupees eighty crores per annum from the Consolidated Fund of India.

A non recurring expenditure of about rupee fifty crores is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of legislative power is of normal character.

III

BILL NO. XLVI OF 1992

A Bill further to amend the Consumer Protection Act, 1986.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Consumer Protection (Amendment) Act, 1992.

Short
title, and
commen-
cement.

(2) It shall come into force at once.

68 of 1986.

2. In section 1 of the Consumer Protection Act, 1986 (hereinafter referred to as the principal Act) for sub-section (4) the following sub-section shall be substituted, namely:—

Amend-
ment of
section 1.

“(4) Notwithstanding anything contained in any other law for the time being in force this Act shall apply to all goods and services.”

3. In section 2 of the principal Act,—

Amend-
ment of
section 2.

(i) in clause (c) after sub-clause (iv) the following sub-clauses shall be inserted, namely:—

“(v) as a result of exposing or displaying for sale to the general public any article may endanger the life or health or safety of the public or is unfit for human consumption or hazardous to safety of the users of such article particularly the children;

(vi) the goods or gadgets mentioned in the complaint particularly the electrical goods, appliances or gadgets are not as per specifications prescribed by Bureau of Indian Standards or its mark popularly known as ISI mark;

(ii) in clause (o),—

(i) after the words “or the purveying of news or other information,” the words “health services provided by hospitals under the control of Government” shall be inserted.

(ii) after the word “information” the words “telecommunication including telephone and other postal services and transportation of passengers or goods either by rail or motor vehicle or any other mode of transport” shall be inserted;

(iii) the following *explanation* shall be added at the end, namely:—

*Explanation:—*for the purposes of this clause although no money is paid by a beneficiary for the services rendered to him it shall not amount to a service free of charge if the service charges are met out of the taxes, cesses and other fee collected from the citizens.

Amendment of section 6.

4. In the principal Act, section 6 shall be renumbered as sub-section (1) thereof and after sub-section (1) as so renumbered, the following sub-section shall be inserted namely:—

(2) The Central Council shall give wide publicity to the rights of the consumers and the consumer disputes redressal agencies and procedure of filing complaints therein through Television, Radio, newspapers and magazines to give impetus to consumer movement in the country.

Amendment of section 8.

5. In section 8 of the principal Act the words “clauses (a) to (f) of” shall be omitted.

6. In section 14 of the principal Act in sub-section (1),—

(a) after the words “to take one or more of the following things” the words “within a reasonable period of time as may be prescribed” shall be inserted.

(b) after clause (d) the following clauses shall be inserted, namely:—

(e) to desist forthwith from selling or offering for sale or distributing any goods or article which may likely to endanger life or adversely affect public health or safety:

(f) to remove the deficiency pointed out by the forum in the service rendered.

Amendment of section 26.

7. In section 26 of the principal Act after the words “dismiss the complaint” the words “and the complainant shall be punishable with fine which shall not be less than two thousand rupees but which may extend up to ten thousand rupees” shall be inserted.

STATEMENT OF OBJECTS AND REASONS

The Consumer Protection Act, 1986 was enacted to protect the interests of the consumers. But the administration of the Act has brought some major deficiencies in the Act. For example it is not applicable to the services rendered by Government hospitals to the poor patients who are generally treated, free of cost, but many of such hapless patients have to suffer the apathy, neglect and carelessness of the Hospital staff while availing of the services there. Similarly postal and telecommunication services are out of its ambit. This Act also does not cover the sale of hazardous substances which are harmful particularly for the children. All these shortcomings in the Act need to be rectified.

Of course the consumer awareness is picking momentum in our country which is a good sign for the consumer movement but when we are educating our consumers it is also our duty to discourage frivolous and false complaints which are lodged either to harass the traders or to blackmail them. Hence a provision for deterrent penalty in the form of fine is necessary to be provided in the Act.

This Bill provides to remove some of the shortcomings in the Consumer Protection Act, 1986.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Council shall give wide publicity to the Consumer awareness through various modes of the media. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees fifty lakhs per annum will be incurred as recurring expenditure.

No non recurring expenditure is likely to be incurred.

IV

BILL No. LXI of 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1992.

Short
title and
com-
mence-
ment.

(2) It shall come into force with immediate effect.

2. In the Eighth Schedule to the Constitution—

Amend-
ment
to Eighth
Schedule.

(a) existing entries Nos. 3 to 7 shall be re-numbered as entries Nos. 4 to 8 respectively;

(b) before entry No. 4 as so re-numbered, the entry "3. Bhojpuri" shall be inserted;

(c) after entry No. 8 as so re-numbered the entry "9. Maithili" shall be inserted; and

(d) existing entries Nos. 8 to 18 shall be re-numbered as entries Nos. 10 to 20 respectively.

STATEMENT OF OBJECTS AND REASONS

In our country, more than 350 million people live. They have different ways of life, culture, customs, religions, living habits and they speak different languages and dialects. However, only eighteen languages have been recognised and incorporated in the Eighth Schedule to the Constitution. As such, many other languages do not find a place in the Constitution. "Bhojpuri" and "Maithili" are two such languages which should have been included in the Constitution and should have been brought into the mainstream of the nation.

"Bhojpuri" is the mother tongue of millions of people in Bihar and eastern Uttar Pradesh. It has a rich cultural heritage. In the recent times it has made much headway in the field of cinema also.

Similarly, "Maithili" language is the mother tongue of millions of people in Bihar and eastern Uttar Pradesh. It is also the mother tongue of the people residing across the border in the adjacent areas of Nepal. Maithili is a language which has been recognised by the *Sahitya Akademi* for the last many years and is being taught at graduate as well as at post-graduate levels in several colleges and universities. It is also a medium for competitive examinations conducted by the Government of Bihar.

Recently by the Constitution (Seventy-first Amendment) Act, 1992 three languages namely, "Konkani", "Manipuri" and "Nepali" have been added to the Eighth Schedule on popular demand. Unfortunately Bhojpuri and Maithili languages were left out despite the popular demand of the people who speak these languages. A number of Private Members' Bills have been introduced by the representatives of the People in the Lok Sabha and Rajya Sabha from time to time and many of them are still pending consideration in both the Houses. The denial of rightful place to "Bhojpuri" and "Maithili" languages in the Constitution has shocked the people who speak these languages and they are feeling neglected at the national level. There is still time to bring these people in the national mainstream by respecting their emotions and adding these languages in the Eighth Schedule to the Constitution.

It will, therefore, be just and fair to include "Bhojpuri" and "Maithili" languages in the Eighth Schedule to the Constitution of India so that the people of Bihar and Eastern U.P. in particular, feel proud for the same and the people of other regions are attracted to these two ancient languages of India leading to their further development at national level.

S. S. AHLUWALIA

V

BILL NO. LXII OF 1992

A Bill to provide for the establishment of an Atomic Authority for the purposes of setting up an atomic power plant for generating electricity in the State of Bihar and for matters connected therewith.

Enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

- | | |
|---|--|
| 1. (1) This Act may be called the Bihar Atomic Authority Act, 1992. | Short title and commencement. |
| (2) It shall come into force with immediate effect. | |
| 2. The Central Government shall establish an Authority to be called the Bihar Atomic Authority in the State of Bihar. | Establishment of Bihar Atomic Authority. |
| 3. (1) The Authority shall consist of the following members namely:— | Composition of the Authority. |
| (a) The Prime Minister, who shall be the <i>ex-officio</i> Chairman of the Authority. | |
| (b) The Chief Minister of the State of Bihar or in his absence the Governor of the State of Bihar, who shall be the <i>ex-officio</i> Vice-Chairman of the Authority; | |

(c) Eighteen Scientists, nine to be nominated by the Central Government and nine by the State Government of Bihar in accordance with such procedure as may be prescribed by rules made under this Act; and

(d) One member, to be appointed by the Central Government in consultation with the Government of the State of Bihar, who shall be the Director of the Authority.

(2) The terms and conditions of the service of the members referred to in clauses (c) and (d) of sub-section (1) shall be such as may be prescribed by rules made under this Act.

(3) Subject to such rules as may be made by the Central Government in this behalf, the Authority may, for the purposes of enabling it to perform its functions or exercise its powers efficiently under this Act appoint such officers and other employees, as it may think fit, and determine their functions and conditions of service.

Funds of
the
Autho-
rity.

4. The funds of the Authority shall consist of,—

(a) Contributions, subscriptions and donations made to it by any person; and

(b) Annual grants made to it by the Central Government after due appropriation made by Parliament in this behalf.

Func-
tions of
the
Autho-
rity.

5. The functions of the Authority shall be to,—

(a) set up an atomic plant at an appropriate place in the State of Bihar;

(b) set up atomic power plant for generating electricity to meet the energy needs of the State;

(c) perform such other functions as may be incidental, or conducive to the discharge of its main functions.

Power
to make
rules.

6. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There is acute shortage of electricity in the State of Bihar resulting in backwardness of the State. Electricity can be produced by using atomic energy and one of the richest areas in the world containing vital atomic raw-material is in the State of Bihar and the State has the richest Uranium deposits. Despite this no atomic power plant for producing electricity has been set up in Bihar so far.

This Bill seeks to establish an Atomic Authority in Bihar which will take appropriate steps for setting up of an atomic power plant in Bihar so that enough electricity is made available for industrial and domestic consumption in the State. It will boost the economy of the State and also generate employment opportunities there.

Hence this Bill.

S. S. AHLUWALIA

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to establish the Bihar Atomic Authority. It is estimated that a sum of Rupees one hundred crores will be required from the consolidated fund of India initially to set up the Authority. A sum of Rupees Two crores per year will also be required to meet the recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill gives power to the Central Government to frame rules for carrying out the purposes of this Act. The delegation of legislative power is, therefore, of normal character.

VI

BILL NO. LXIII OF 1992

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1992.

Short
title
and
commence-
ment.

(2) It shall come into force at once.

2. After article 19 of the Constitution, the following article shall be inserted, namely:—

Inser-
tion of
new arti-
cle 19A.

“19A. (1) All citizens shall have the right to full and complete information regarding the affairs of the State and the official acts of those who represent them as public functionaries, officials and employees.

Right to
informa-
tion.

(2) Nothing in clause (1) shall prevent Parliament from enacting any law, from time to time, prescribing the type of information with regard to the affairs of the State which may require protection from disclosure.”

STATEMENT OF OBJECTS AND REASONS

Openness is one of the essentials for the proper functioning of democracy. Since people are the centre point of democracy, nothing should be kept secret from them barring few exceptions. One can cite innumerable instances where even trivial matters which do not serve any interest of the nation are treated as secret and confidential. It is a matter of regret that our country being a signatory to the International Covenant on Civil and Political Rights has not made the 'right to information' a fundamental right so far despite the provisions of article 19 of the said Covenant.

The Covenant was signed by our country long ago but the citizens have not been given the much needed right to information in our country. That is why even the reports of various inquiry committees or commissions like the ones on plane crashes, rail accidents or such other eventualities are treated as secret and people do not know any thing about these reports. Similarly the recommendations of the Inter-departmental study group set up by the Central Government in 1977 to study the working of the Official Secrets Act, 1913 have been treated as confidential. Therefore, it becomes necessary that right to information be made a fundamental right of the citizens. At the same time there may be certain documents particularly relating to defence of the country or matters relating to international secrecy which may require protection in the national interest. For such matters Parliament can enact laws from time to time and a provision to that effect has already been included in this Bill. But the Parliament must lay down definite guidelines for exercising secrecy by the Government.

Finally, the Government of the day is bound by its commitments which had given to the people in its manifesto of the 1991 general elections which was released by our most respected and beloved leader late Shri Rajiv Gandhi who had promised to the nation saying,

"Freedom of Information is another precious right. The Congress will make a law in this behalf." The Government may take its own time in bringing forward a Bill in this regard but this Bill may continue to serve as a reminder to the Government about the commitment it has to fulfil.

Hence this Bill.

S. S. AHLUWALIA

SUDARSHAN AGARWAL,
Secretary-General.